

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELAIN BESTON,

Defendant.

CR-08-07-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 7, 2019. (Doc. 172.) The Defendant waived the 14 day objection period and the right to allocute before the undersigned at the revocation hearing held August 6, 2019. (Doc 171.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 6, 2019. (Doc. 171.) The United States accused Ms. Beston of violating her conditions of supervised release by: 1) failing to report for substance abuse treatment on two separate occasions; 2) failing to report for substance abuse testing; 3) failing to participate in substance abuse testing; 4) by using methamphetamine; 5) by committing another crime; 6) by possessing a controlled substance; and 7) by knowingly communicating with a person engaged in criminal activity. (Doc. 172 at 2.) Beston admitted to all of the allegations. (Doc. 171.) Judge Johnston found that Beston's violations warrant revocation, and recommended a sentence of eleven months in custody, followed by sixty days of inpatient treatment upon release and one hundred nine months of supervised release to follow. (Doc. 172 at 4.)

These violations prove serious and warrant revocation of Beston's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 172) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Elaine Beston be sentenced to custody for eleven months, with 60 days of inpatient treatment to follow release, with one hundred nine months of supervised release to follow.

DATED this 7th day of August, 2018.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a large initial "B" and a long horizontal stroke at the end.

Brian Morris
United States District Court Judge